



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

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OCT 20 2003



SDMS DocID 2059201

To: Addressees

Re: Malvern TCE Superfund Site
Opportunity to Participate in Third Round *De Minimis* Settlement

Dear Sir or Madam:

Enclosed kindly find a revised Administrative Order on Consent for *De Minimis* Settlement, Docket No. CERC-03-2003-0041 ("AOC") prepared by the United States Environmental Protection Agency ("EPA") in connection with the Malvern TCE Superfund Site in Chester County, Pennsylvania ("Site"). This AOC reflects the following changes made by EPA to the AOC distributed to you by EPA letter dated August 18, 2003:

1. Paragraph 23 of the AOC has been revised to reflect EPA's decision to allow for payment of *de minimis* settlement amounts in two equal installments. The first installment will be payable within thirty days of the effective date of the agreement; the second payable one year later. EPA also has revised the signature page to the AOC to allow each settling party to indicate which payment option, lump sum or installment payment, it has selected.

2. Paragraph 37 of the AOC has been revised to clarify that settling parties will not be required to provide EPA with notice of any claims that have been asserted against the settling parties prior to the Effective Date of the AOC in the ongoing contribution action, ABB Inc. f/k/a Fischer & Porter Company v. Simon Wrecking Company, et al., Civil Action No. 02-8964.

3. Appendix D to the AOC has been revised to correct one party's volume ranking summary information. This party has been notified by EPA of the revision. This revision does not result in any change of any other settling party's allocation or payment amount.

If you wish to participate in the *de minimis* settlement memorialized in the AOC, please sign and return the signature page included in the AOC to the following:

Joan A. Johnson, Sr. Assistant Regional Counsel (3RC41)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Signature pages must be submitted to Ms. Johnson **no later than October 31, 2003.**

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The enclosed AOC is subject to final review and approval by the United States. Subsequent to this review and approval, there will be a public comment period pursuant to Section 122(i) of CERCLA, 42 U.S.C. § 9622(i). In accordance with Section 122(i)(3) of CERCLA, 42 U.S.C. § 9622(i)(3), EPA may withdraw its consent to the AOC if comments received disclose facts or considerations that indicate that the AOC is inappropriate, improper, or inadequate. If the comments received do not require modification of, or EPA withdrawal from, the AOC, the effective date of the AOC shall be the date upon which EPA issues written notice to the AOC settling parties.

If you have any questions relating to the foregoing, you may call Patrick Egan, Civil Investigator, at (215) 814-3167. Legal questions should be directed to Joan A. Johnson at (215) 814-2619.

Sincerely,



Joan Armstrong, Chief
PRP Investigation and Site Information Section

Enclosures

cc: Patrick Egan (3HS11)
Joan A. Johnson (3RC41)
Charlie Root (3HS21)
Mark Stevens, Esq. (Chemclene Site Defense Group)